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25 Attorneys for Defendant
26 LEO PALACE RESORTS

27 **UNITED STATES DISTRICT COURT**

28 **DISTRICT OF GUAM**

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Plaintiff,

v.

LEO PALACE RESORT,

Defendant.

CASE NO.: 1:06-CV-00028

STIPULATED DISCOVERY PLAN

Federal Rule of Civil Procedure 26(f) Information:

1. No changes shall be made to the timing, form or requirement of disclosures

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MARY L.M. MORAN
CLERK OF COURT

1 under LR 26.2 and Federal Rule of Civil Procedure 26(f). The initial disclosures
2 shall have been exchanged pursuant to Federal Rule of Civil Procedure 26(a)(1)
3 not later than December 14, 2006.

4 2. The parties agree to conduct discovery according to the dates set forth in the
5 scheduling order. Discovery shall not be conducted in specified phases.

6 3. Discovery will be needed on the following subjects, but expressly is not limited
7 to those subjects:

8 Plaintiff United States Equal Employment Opportunity Commission ("EEOC"):

9 a.) Plaintiff EEOC will conduct discovery into the facts and circumstances
10 surrounding the sexual harassment and hostile work environment of Vivienne
11 Villanueva, Jennifer Holbrook, Rosemarie Taimanglo and a class of similarly
12 situated individuals, including, but not limited to, Defendant Leo Palace Resorts
13 response to and investigation of the allegations.

14 b.) Plaintiff EEOC will conduct discovery into the facts and circumstances
15 surrounding retaliation against Jennifer Holbrook and Rosemarie Taimanglo for
16 complaining about sex harassment/ hostile work environment.

17 c.) Plaintiff EEOC will conduct discovery into whether Leo Palace Resorts
18 adequately trained its managers and supervisors to respond to allegations of sex
19 harassment/ hostile work environment, and whether Leo Palace Resorts had
20 adequate procedures in place to address allegations of sexual harassment/ hostile
21 work environment and retaliation.

22 d.) Plaintiff EEOC will also need to conduct discovery into the facts underlying
23 Defendant's affirmative defenses.

24 e.) Plaintiff EEOC seeks compensatory damages, back pay, front pay, benefits,
25 punitive damages and corresponding prejudgment interest amount on the behalf
26 of Vivienne Villanueva, Jennifer Holbrook, Rosemarie Taimanglo and a class of
27 similarly situated individuals.

28 f.) The Plaintiff is further seeking permanent injunctive relief and other relief the

1 court deems appropriate. The injunction seeks to have Employer Defendant
2 refrain from engaging in any form of employment discrimination and to have
3 Employer Defendant prevent and end any unlawful equal employment practices.
4 Such an injunction can be carried out through posting of equal employment
5 opportunity laws, age harassment and discrimination training for all employees
6 with special emphasis on management, reports requirements by Defendant
7 Employers and inspection authority for the EEOC regarding Defendant
8 Employer's employment practices, including responses to any allegations of
9 sexual harassment and retaliation. To account for the costs of such an injunction,
10 if any, the EEOC seeks to have Defendant Employer set aside funds to effectuate
11 the foregoing.

12 g.) Plaintiff will take the depositions of key witnesses upon the production of
13 initial discovery by Defendant. If necessary, the Plaintiff will follow up with
14 depositions of key witnesses in late winter/ spring of 2007. The Plaintiff will
15 propound written discovery to the extent necessary.

16 Defendant Leo Palace Resorts:

17 h.) At present, Defendant Leopalace Resort plans to conduct discovery by means
18 of depositions and interrogatories into the same general areas as Plaintiff EEOC,
19 as outlined above in paragraphs 3.a). through c). Defendant Leopalace Resort is
20 also considering filing a Rule 35 motion for independent medical examinations
21 for the claimants.

22 i.) Defendant Leopalace Resort currently intends to take the depositions of
23 claimants Jennifer Holbrook, Rose Taimanglo, and Vivian Villanueva, the
24 deposition of former Leopalace employee Christine Camacho, and the deposition
25 of former Leopalace employee Greg Perez, who resides in Hawaii. Leopalace
26 additionally plans to take the depositions of any physicians or other health care
27 professionals who may have provided treatment to the claimants after the
28 incidents described in the complaint on file in this case, including, but not limited

1 to, Dr. Lilli Perez Iyechad, Ph.D., and Tom Babauta, MSW, ACSW. Finally, to
2 the extent necessary, Defendant Leopalace Resort may take the depositions of the
3 claimant's family members or other witnesses identified by the claimants who
4 may have personal knowledge of the damages the claimants allege to have
5 suffered as a result of the incidents giving rise to this lawsuit.

6 Stipulations:

- 7 4. The parties have agreed to a maximum of 10 depositions by each party. It is
8 further stipulated that depositions shall not exceed the 7 hour, 1 day maximum
9 specified in Fed. R. Civ. P. 30(d) unless extended by agreement of the parties per
10 order of the court. Plaintiff and Defendant are at this time unable to determine
11 the exact number of depositions until further discovery is completed.
- 12 5. The parties have agreed to a maximum of 25 interrogatories by each party to any
13 other party. The parties agree to meet and confer in good faith should any party
14 find the need to modify Fed. R. Civ. P. 33(a) and issue more than 25
15 interrogatory questions. If it becomes necessary after the initial meet and confer,
16 either party may make a request to the court for additional interrogatories.

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Respectfully submitted,

U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION

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Angela Morrison

Derek Li

Gregory S. McClinton

Date: _____

By: _____

Anna Park,

Regional Attorney

Attorneys for Plaintiff U.S. EEOC

DOOLEY ROBERTS & FOWLER LLP

Tim Roberts

Date: 12/9/06

By: _____

Tim Roberts

Attorney for Defendant Leo Palace Resorts

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